

AFSCME MEF/CEO AND CITY OF SAN JOSE  
MEF & CEO JOINT BARGAINING CONTRACT NEGOTIATIONS 2013

AFSCME PROPOSAL – VACATION LEAVE

Proposed MEF language:

ARTICLE 10 LEAVES

10.2.2 Vacation Leave. Use of accrued vacation or personal leave is subject to the advanced approval of the Department Director or designee, or at the discretion of the Department Director and/or designee as a substitute for sick leave if the employee has exhausted his/her sick leave balance and is unable to work due to an unplanned illness or injury. Any and all leaves granted pursuant to this Article shall be granted at such time or times as will not reduce the number of employees below that which is reasonably necessary for the efficient conduct of the public business of such department, except no employee who is authorized to take a leave for vacation purposes shall be required to commence such leave at a time other than the beginning of a work week, unless the employee elects or consents to commence such leave at another and different time. Employees shall submit written requests to the Department Director and/or designee for all vacation leave in advance and as early as practical. Written response to the leave request will be provided back to the employee within ten (10) working days of the receipt submittal of the written request. If employees do not receive a written response within ten (10) working days of the submittal of the leave request to the Department Director and/or designee, the vacation leave shall be considered approved. An employee who requests vacation leave as a result of the exhaustion of sick leave shall request the leave at the time of notification of the illness or injury to the Department Director and/or designee and submit the request in writing upon return to work. The Department Director and/or designee has discretion to approve or reject the request to use vacation leave as a substitute for sick leave. Written response will be provided back to the employee as soon as possible, but no later than one day prior to the date required for submittal of the employee's time card. Nothing in this section shall interfere with an established vacation scheduling procedure.

Proposed CEO language:

ARTICLE 17 VACATION AND PERSONAL LEAVE

17.2 Vacation Leave. Use of accrued vacation or personal leave is subject to the advance approval of the Department Director or designee, or at the discretion of the Department Director and/or designee as a substitute for sick leave if the employee has exhausted his/her sick leave balance and is unable to work due to an unplanned illness or injury. Any and all leaves granted pursuant to this Article shall be granted at such time or times as will not reduce the number of employees below that which is reasonably necessary for the efficient conduct of the public business of such department, except no employee who is authorized to take a leave for vacation purposes shall be required to commence such



**AFSCME MEF/CEO AND CITY OF SAN JOSE**  
**MEF & CEO JOINT BARGAINING CONTRACT NEGOTIATIONS 2013**

---

leave at a time other than the beginning of a work week, unless ~~he/she~~ the employee elects or consents to commence such leave at another and different time. Subject to the above provisions, preference of vacation leave timing in any calendar year shall be determined by the relative length of time served by each employee in the classification in which ~~he/she~~ the employee is employed in a department of the City Government and by the length of time during which such employee has worked on any shift, if more than one shift is worked by employee in such classification. Employees shall submit written requests to the Department Director and/or designee for all vacation leave in advance and as early as practical. Written response to the leave request will be provided back to the employee within ten (10) working days of the receipt submittal of the written requests. If employees do not receive a written response within ten (10) working days, the vacation leave shall be considered approved. An employee who requests vacation leave as a result of the exhaustion of sick leave shall request the leave at the time of notification of the illness or injury to the Department Director and/or designee and submit the request in writing upon return to work. The Department Director and/or designee has discretion to approve or reject the request to use vacation leave as a substitute for sick leave. Written response will be provided back to the employee as soon as possible, but no later than one day prior to the date required for submittal of the employee's time card. Nothing in this section shall interfere with an established vacation scheduling procedure.

